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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/978,349	10/15/2001	Stephen C. Ennis	5500-71700	4665
7590	03/30/2004			EXAMINER
B. Noel Kivlin Conley, Rose, & Tayon, P.C. P.O. Box 398 Austin, TX 78767				RAY, GOPAL C
			ART UNIT	PAPER NUMBER
			2111	S
				DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/978,349	ENNIS ET AL.
	Examiner Gopal C. Ray	Art Unit 2111

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 15 October 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 15 October 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3 and 4</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

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1. Claims 1- 20 are presented for examination.
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The examiner believes that the title of the invention is broad. A descriptive title indicative of the invention will help in proper indexing, classifying, searching, etc. See MPEP 606.01. However, the title of the invention should be limited to 500 characters.
3. The drawings filed on 10/15/01 are approved by the USPTO draftsperson. Direct any inquiries concerning drawing review by the USPTO draftsperson to the Drawing Review Branch at (703) 305-8404.
4. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification. Furthermore, all claims should be revised carefully to eliminate all grammatical errors and antecedent basis problems.
5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 1-20 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim s 1-20 of U.S. Patent No. 6,697,890 issued to Gulick et al. Although the conflicting claims are not identical, they are not patentably distinct from each other because they are simply obvious variations. The patent and application are claiming common subject matter "I/O node for a computer system" and the variations are within the skill of an ordinary person in the art. Furthermore, the instant claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be ent

itled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-8 and 11-18 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 6,005,849 issued to Roach et al.

As per claim 1, the reference of Roach et al. teaches "first and second receiver units" in Fig. 3, element 30 and Fig. 5B; "first and second transmitter units" in Fig. 3, element 32 and Fig. 5A and "a bridge unit" in Fig. 3, element 22 and col. 4, lines 57-65.

As per claims 2, the reference of Roach et al. teaches "a control unit" in Fig. 5A, element 62; Fig. 5B, element 56; col. 5, lines 40-48 and col. 7, lines 50-64.

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As per claims 3, 5 and 6, the added limitations of the claims recite various controller activities and are rejected for similar reasons as discussed in the rejection of claim 2.

As per claim 4, the reference of Roach et al. teaches the added limitation of the claim in col. 4, lines 50-52.

As per claim 7, the reference of Roach et al. teaches "wherein said control unit is further configured to receive said control commands via a control command bus" in col. 6, lines 46-48.

As per claim 8, the reference of Roach et al. teaches "a peripheral component interconnect (PCI) bus" in col. 7, line 43.

As per claim 11, the claim is rejected for similar reasons as discussed in the rejection of claim 1 with the exception of "one or more processors". However, the reference of Roach et al. teaches the feature in Fig. 3, element 22.

As per claims 12-18, the claims are rejected for the same reasons as discussed in the rejection of claims 2-8 respectively.

9. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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10. Claims 9, 10, 19 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent 6,005,849 issued to Roach et al. in view of US Patent 6,691,185 issued to Avery.

As per claims 9 and 10, the reference of Roach et al. fails to expressly teach "a graphics bus" (claim 9) and "HyperTransport links (claim 10). However, the above features were well known to one of ordinary skill in the art at the time the invention was made as evidenced by Avery. The reference of Avery teaches the features in col. 1, lines 20-27 and col. 8, lines 29-30. One of ordinary skill in the art at the time the invention was made would have realized that it is important to have the above features in order to increase I/O bandwidth which is desirable in any system such as applicants'. The reference of Avery teaches the motivation in col. 1, lines 20-23. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Roach et al. to include the above features for an effort to increase I/O bandwidth of the system.

As per claims 19 and 20, the claims are rejected for the same reasons as discussed in the rejection of claims 9 and 10 respectively.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is urged to consider the references. However, the references should be evaluated by what they suggest to one versed in the art, rather than by their specific disclosure. The prior art submitted by applicant has been considered by the examiner and made of record in the file.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gopal C. Ray whose telephone number is (703) 305-9647. The examiner can normally be reached on Monday - Friday from 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart, can be reached on (703) 305-4815. The new fax phone number for this Group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [mark.rinehart@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to TC2100 receptionist whose telephone number is (703) 305-3900.

Gopal C. Ray
GOPAL C. RAY
PRIMARY EXAMINER
GROUP 2800